

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

IN RE:

JONATHAN JEROME BARDELL,

Appellant/Debtor.

**CIVIL ACTION NO. 3:07-CV-36
(BAILEY).**

ORDER GRANTING STAY PENDING APPEAL

Pending before this Court is a Motion to Continue Stay Pending Appeal [Doc. 10], filed by the debtor, Jonathan Jerome Bardell. In the motion, the debtor seeks a continuance of the stay of the judgment entered by the Bankruptcy Court, pursuant to Rule 8005 of the Bankruptcy Rules of Procedure, in its Order dated February 22, 2007.

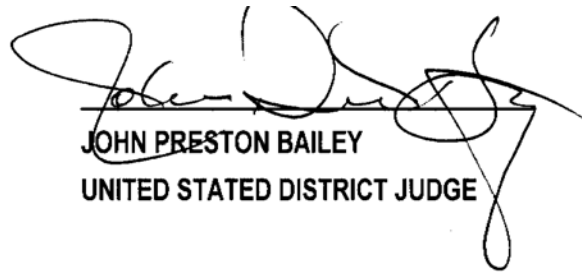
In support his motion, the debtor states that he successfully argued that he met the requirements of the four part test required for this stay as set forth in *Long v. Robinson*, 432 F.2d, 977, (4th Cir. 1970). The Appellees, Branch Banking & Trust Company and Draper & Goldberg, PLLC, filed their response in opposition to the motion on August 29, 2007 [Doc. 11], in which they request that this Court vacate the stay.

Having reviewed the motion and the response thereto, it is the opinion of this Court that the debtor's Motion to Continue Stay Pending Appeal [Doc. 10] should be, and is, hereby **GRANTED**. Accordingly, the stay shall remain in effect in accordance with the Bankruptcy Court's Order dated February 22, 2007, and pending the appeal of this case.

It is so **ORDERED**.

The Clerk is hereby directed to transmit copies of this Order to counsel of record herein.

DATED: September 6, 2007.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE